

III. REMARKS

1. Claims 21-23 are new. It is noted that the rejection of claims 4 and 5 should with be withdrawn because the reference Hamalainen is not a proper reference for purposes of 35 USC §103(a). This was presented to the Examiner in the prior response as well.

2. Claims 1-3, 6-9 and 13-20 are patentable under 35 U.S.C. §103(a) over Honkasalo et al. (US 5,995,496, hereinafter "Honkasalo") in view of Abe (US 6,272,123).

Claim 1 recites that the transmitted information is divided into successive blocks of the downlink data transmission from the base station to the mobile station on the radio channel. Claim 1 also recites that one of the blocks comprises data indicating power reduction in the transmission power level. This is not disclosed or suggested by the combination of Honkasalo and Abe.

The Examiner acknowledges that Honkasalo does not teach transmitting information that is divided into successive blocks of the downlink data transmission from the base station to the mobile station on the radio channel and wherein one of the blocks comprises data indicating power reduction in the transmission power level of the one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently. The Examiner states that Abe teaches these features. This position is respectfully traversed.

Abe merely discloses that the CDMA transmitter-receiver selects the convolutional coder with a smaller coding rate and larger constraint length in response to "a command from a base station to reduce the total number transmitted bits per block and the transmission power thereof." Abe does not teach that one of the "blocks" of the "downlink data transmission" includes "data indicating the power reduction" in the transmitted power level of the downlink data transmission as is claimed by Applicant.

In Col. 4, lines 48–53 of Abe, it is stated that a transmitted block is divided into 16 slots. The number of slots to be used is selected in accordance with the transmission rate information fed from the controller. The digital data is assigned to the selected slots to which the rate information has been added. In Abe, the number of slots varies in response to the changes in the total number of the transmission bits in accordance with the transmission rate.

In Col. 8, lines 55-67 of Abe, it is stated that the CDMA transmitter-receiver selects, when the number of users accessing the system increases, the convolutional coder with a smaller coding rate and larger constraint length in response to **“a command from a base station”** to reduce the total number of transmitted bits per block and the transmission power thereof. There is no disclosure here related to a “block” comprising data indicating power reduction in the transmission power level of the block of the downlink data transmission as is claimed by Applicant. The “command” of Abe is not the same as the “block” comprising data indicating power reduction in the transmission power level of the block of the downlink data transmission as is claimed by Applicant.

Abe discloses that the CDMA transmitter-receiver receives a command from the base station to reduce the transmission power. In Abe, the reduced transmission power will be used by the CDMA transmitter-receiver during the uplink data transmission, i.e. when transmitting information from the CDMA transmitter-receiver to the base station. Abe does not disclose the reduced transmission power being used by the base station during the downlink data transmission i.e. when transmitting information from the base station to the CDMA transmitter receiver. The base station of Abe merely sends a command to the CDMA transmitter-receiver to reduce the transmission power and the base station itself does not use the commanded transmission power.

In Abe, the base station commanding the CDMA transmitter-receiver to reduce the transmission power to be used by the CDMA transmitter-receiver does not relate to the base station, indicating in a transmitted block, the reduction in the transmitted power used by the base station. One of skill in the art would not, on the basis of the teaching

of Abe, focus on the internal function of the CDMA transmitter-receiver and find it obvious to modify the function of the base station to implement the features claimed by Applicant.

Abe does not disclose or suggest that the CDMA transmitter-receiver indicates the commanded transmission power or the reduction thereof in blocks of the uplink data transmission. Abe merely states that a "command" is sent from the base station to reduce the total number of transmitted bits per block and the transmission power. (Col. 8, line 60-63). Abe does not disclose the detailed structure or the contents of the "command" sent by the base station and received by the CDMA transmitter-receiver. Therefore, Abe cannot disclose or suggest that a "block" of the downlink data transmission contains data indicating the power reduction used for the downlink transmission power level of the same block, or a subsequent block of the downlink data transmission as is claimed by Applicant.

Honkasalo does not disclose or suggest this feature claimed by Applicant, as acknowledged by the Examiner. Abe also does not disclose or suggest at least this feature. Therefore, the combination of Abe and Honkasalo cannot disclose or suggest at least this feature.

Claims 8 and 9 recites similar features and are also not disclosed or suggested for similar reasons.

Claims 2, 3, 6, 7 and 13-20 are allowable at least by reason of their respective dependencies.

Claim 2 states that the one block comprises data indicating power reduction in the transmission power level of **another block to be transmitted next**. Abe only discloses that there is a "command" from a base station to reduce the transmission power. (Col. 8, lines 55-67). There is no disclosure here that a block of the "downlink data transmission" includes data indicating power reduction in the transmission power

level of **another block to be transmitted next** as recited in claim 2. Therefore, the combination of Abe and Honkasalo cannot disclose or suggest at least this feature.

Claim three recites that the “block” of the downlink data transmission includes data indicating power reduction in the transmission power level of the same block. . Abe only discloses that there is a “command” from a base station to reduce the transmission power. (Col. 8, lines 55-67). There is no disclosure here that a block of the “downlink data transmission” includes data indicating power reduction in the transmission power level of the **same block** as recited in claim 3.

Claim 13 states that the mobile station uses the data indicating power reduction in the transmission power level to determine if a change in a received signal is caused by the base station or an environmental change. All that Abe discloses is that the longer constraint length can compensate for degradation and transmission quality due to the reduction in the transmission power. (Col. 8, lines 59-63). The reduction in transmission power referred to by aid is a result of an increase in the “number of users accessing the system.” (Col. 8, lines 55-63.) There is no disclosure here related to using the data indicating power reduction in the transmission power level to determine **“if a change in a received signal is caused by the base station or an environmental change”** as claimed by Applicant.

Claim 14 recites that the data indicating power reduction in the transmission power level is used to adjust at least one parameter in the mobile station. All that Abe discloses is that the longer constraint length can compensate for degradation and transmission quality due to the reduction in the transmission power. (Col. 8, lines 59-63). Therefore, claim 14 is not disclosed or suggested.

Claim 15, which depends from claim 14, recites that the adjusted parameter is timing, frequency or amplification. Abe, in Col. 8, lines 50-52, only discloses that the number of transmitted blocks varies in accordance with the transmitted rate. Therefore, claim 15 is not disclosed or suggested.

Claim 16 recites “using” the data indicating power reduction in the transmission power level to adjust a reception level in the mobile station to a correct range. Abe only discloses that the longer constraint length of the convolutional coder can compensate for degradation and transmission quality due to the reduction in the transmission power. This is not the same as what is claimed by Applicant and therefore claim 16 is not disclosed or suggested.

Claim 17 recites “adding” the data indicating power reduction in the transmission power level to the block when the block is transmitted. Abe, in lines 59-63, only states that a command from a base station is sent. Therefore, claim 17 is not disclosed or suggested.

3. Claim 4 is patentable under 35 U.S.C. §103(a) over Honkasalo and Abe in view of Hamalainen et al. (US 6,359,904, hereinafter “Hamalainen”), at least by reason of its dependency.

Furthermore, Applicant once again reasserts that Hamalainen is not a proper prior art reference for purposes of 35 USC §103(a). 35 USC §103(c) clearly states that subject matter which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 shall not preclude patentability when the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation to assignment to the same person.

Both Applicant’s invention and Hamalainen, were at the time of Applicant’s invention, commonly owned or subject to an obligation of assignment to Nokia Corp. Further, Hamalainen **only** qualifies as a reference under 35 U.S.C. §102(e). Thus, pursuant to 35 U.S.C. §103(c), Hamalainen **is not** a proper prior art reference. Therefore, the rejection of claim 4 is moot.

4. Claim 5 is patentable under 35 U.S.C. §103(a) over Honkasalo, Abe and Hamalainen in further view of Turina (US 6,031,832) at least by reason of its dependency.

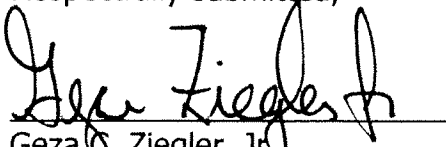
Applicant once again reasserts that Hamalainen is not a proper prior art reference for purposes of 35 USC §103(a). 35 USC §103(c) clearly states that subject matter which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 shall not preclude patentability when the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation to assignment to the same person.

Both Applicant's invention and Hamalainen, were at the time of Applicant's invention, commonly owned or subject to an obligation of assignment to Nokia Corp. Further, Hamalainen **only** qualifies as a reference under 35 U.S.C. §102(e). Thus, pursuant to 35 U.S.C. §103(c), Hamalainen **is not** a proper prior art reference. Therefore, the rejection of claim 5 is moot.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza G. Ziegler, Jr.
Reg. No. 44,004

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Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512